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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 08/815,168 | 03/11/97 | FREEMAN | M 5038 |

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DATE MAILED: 05/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 08/815,168 | MICHAEL J. FREEMAN | |
| | Examiner | Art Unit | |
| | Hai Tran | 2611 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 16-31 & 39-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 1997* is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4, 9, 17* .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

Continuation of Disposition of Claims: Claims pending in the application are 1-7, 16-31 & 39-52.

## DETAILED ACTION

### *Priority*

This application discloses and claims only subject matter disclosed in prior Application No. 08/598,382, filed on Feb. 8, 1996, and names an inventor or inventors named in the prior application. Therefore, the effective filing date of the instant application is February 8, 1996.

### *Information Disclosure Statement*

The foreign patents and other documents listed in the attached PTO-1449 have not been considered per 37 CFR 1.98 since no copies of these references have been provided.

### *Drawings*

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1 Claims 1-7, 16-31 and 39-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (US 5,600,368) in view of Harper et al. (US 5585858).

Regarding claim 1, Matthews discloses a live interactive digital programming system, comprising:

A viewer television reception system for receiving live interactive programming, the live interactive programming (Fig.5 and 8) .
Matthews does not clearly discloses the live interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphical; however, Matthews discloses the live interactive programming composite stream carries virtual channels and primary channels and appropriate information which coordinate the composite signals and independent camera viewpoints.
Harper discloses an interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals (Introduction), and the reception system comprising:

A viewer interface for receiving viewer entries (Col.6, lines 1-5);

A microprocessor 178, connected to the viewer interface, for selecting one of the video and audio signals at a predetermined time, the selection of the video and audio signals and the predetermined time of each selection a function of the branching codes and the received viewer entries; a demultiplexer 700, for demultiplexing the selected video and audio signals; a decompressor/decoder 702, 704, 706, 708, 710 connected to the demultiplexer 700 for decompressing the demultiplexed selected video and audio signals; a means for displaying the selected video signal; and a means for playing the selected audio signal (Fig.5, 8, Col.13, lines 13-37, Col.16, lines 18-35 and Col.15, lines 1-18). Therefore, it

would have been obvious to one of ordinary skill in the art to modify Matthews by integrating an interactive programming system comprising a plurality of digitally compressed video, audio, branching codes and graphics signals, as taught by Harper, in order to provide a system where full interactivity is provided in the same bandwidth as required by a standard television signal to every home, regardless of transmission media as suggested by Harper (Col.1, lines 50-65+).

Regarding claim 2, Matthews further discloses wherein the plurality of video signals corresponds to different predetermined camera angles of an event (Col.3, lines 20-25) and Harper discloses a plurality of digitally compressed video signal (Col.15, lines 1-20).

Regarding claim 3, Harper further discloses wherein the microprocessor selects one of the graphics signals at a predetermined time, the selection of graphics signal a function of the branching codes and the received viewer entries and further comprising a means, connected to the microprocessor, for presenting the selected graphics signal on the display means (Col.15, lines48-Col.16, lines 25 and col.18, lines 60-Col.19, lines 20).

Regarding claim 4, Harper further discloses wherein the display means presents at least one interrogatory to the viewer, the content of the interrogatory involving program options, and the viewer entries correspond to collected entries from the viewer via the viewer interface in response to the interrogatories (Col.17, lines 34- Col.18, lines 10).

Regarding claim 5, see analysis of claim 1 and Harper further discloses a memory 282 for storing a viewer profile (Col.23, lines 10-15).

Regarding claim 6, see analysis of claim 2.

Regarding claim 7, see analysis of claim 3.

Regarding claim 18, see analysis of claim 1.

Regarding claims 19, 20 and 21, both Matthews (Fig.7) and Harper (Col.4, lines 1-5) further disclose wherein the combined digital program stream is received from a satellite transmission system, a cable distribution system, a broadcast transmission system.

Regarding claim 22, Harper (Col.4, lines 1-5) further discloses wherein the combined digital program stream is received within a private network (Col.22, lines 50-Col.23, lines 7).

Regarding claim 23, both Matthews (Col.7, lines 33-45; Fig.2) and Harper (Col.6, lines 23-28) further disclose wherein the combined digital program stream is received within an in-stadium network.

Regarding claim 24, Harper further discloses wherein the system is embodied in a computer workstation (Fig.1, element 187).

Regarding claims 25 and 30, both Matthews and Harper do not clearly disclose wherein the combined digital program stream is received over the Internet and the information address segments are URL, the URL specifying Internet Web site address.

Official Notice is taken that it is well known to integrate URL within the TV broadcast signal and transmit combined digital program stream over the Internet. Therefore, it would have been obvious to one in the ordinary skill in the art to modify Matthews and Harper to use Internet as a way of communication and embedded URL into the TV broadcast signal, so that the broadcaster could deliver interactive television experiences that can be authored once using a variety of tools and deploy to a variety of base receivers such as set-top box, computers and televisions.

Regarding claim 26, see analysis of claim 2.

Regarding claim 27, both Matthews (Col.3, lines 18-20) and Harper (Col.13, lines 23-30) further disclose wherein one of the pluralities of digital video signals corresponds to a main program video feed.

Regarding claim 28, Harper further discloses wherein each of the plurality of digital video signals corresponds to separate audio signals (Fig.5, Col.13, lines 30-35).

Regarding claim 29, see analysis of claim 1 and Col.5, lines 60-Col.4, lines 14 and Col. 23, lines 35-Col.25-55.

Regarding claim 31, Harper further discloses wherein the information address segments are database indexes on networks (Col.24, lines 50-55).

Regarding claim 39, see analysis of claim 1.

Regarding claims 40, 41 and 42, see analysis of claims 19, 20 and 21.

Regarding claim 43, see claim 22.

Regarding claim 44, see claim 23.

Regarding claim 45, see claim 25.

Regarding claim 46, Harper further discloses the steps of Gathering viewer specific information (Col.24, lines 40-45); Creating a viewer profile with gathered viewer specific information (Col.23, lines 10-15); wherein selecting the video and audio signals is based in part on the viewer profile. (Col.24, lines 10-Col.25, lines 30).

Regarding claim 47, Harper further discloses the steps of storing the viewer profile in a database (Col.23, lines 10-14).

Regarding claim 48, Harper further discloses wherein the database is located at a site remote from the receive site (Col.23, line 10-14).

Regarding claim 49, Harper further discloses wherein the database is located at the receive site.

Regarding claim 50, Harper further discloses wherein the step of gathering viewer specific information comprises the steps of:

Displaying at least one interrogatory to the viewer, the content of the interrogatory involving program options;

Collecting entries from the viewer in response to the interrogatories; and wherein the selection of video or audio signals is based in part on the collected viewer entries (Col.24, lines 35 - Col.25, lines 55).

Regarding claim 51, see analysis of claim 29.

Regarding claim 52, see analysis of claim 30.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Callaghan et al. (US 5594492) shows a method and apparatus for rapid channel selection.

Bennett (US 5068733) shows a multiple access television.

Barstow et al. (US 5189630) shows a method for encoding and broadcasting information about live events using computer pattern matching techniques.

Freeman (US 4507680) shows one way interactive multisubscriber communication system.

Wacho (US 5231494) shows a selection of compressed television signals from single channel allocation based on viewer characteristics.

## *Contact Fax Information*

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

## Contact Information

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

HT:ht
05/04/01